

# The Keg & Cask

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## HOLIDAY GREETINGS

As the Christmas Season begins and we look forward to 1991, I wish to take this opportunity to personally thank WBWA members, suppliers and industry friends for your continued support, cooperation and friendship in 1990 and extend my personal holiday greetings and best wishes for a safe and prosperous New Year.

*Phil Wayt*  
Phil Wayt  
WBWA  
Executive Director

## LIQUOR BOARD DEBATES ADVERTISING REGULATIONS

On Wednesday, November 28th, it was standing room only at a Liquor Board hearing in Seattle as doctors, alcohol treatment companies, broadcasters, advertisers and beer, wine and distilled spirits representatives faced off in a day long debate over potential new advertising restriction regulations as proposed at the Washington State Liquor Control Board by the Washington State Medical Association. The proposal amends WAC 314-52-015 as follows:

Makes it illegal to have advertising that depicts as amusing either over consumption or state of intoxication;

EXHIBIT NO. 220 Date: 8/1/03  
Deposition Of Phillip Wayt  
CONNIE CHURCH, Court Reporter

WBVV-UU4213

### PLAINTIFF'S EXHIBIT

CASE  
NO. CV04-0360P

EXHIBIT  
NO. 089

WBW-004213

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Prohibits advertising which implies that the use of liquor enhances professional or social achievement. (It is already illegal to imply that consumption might enhance athletic prowess.)  
Prohibits any advertising that is designed or intended to attract persons under the legal age of consumption to consume alcoholic beverages;

Prohibits having any direct association between toys or clothing in children sizes or intended for children and brand recognition of any liquor products; and

Adds a new section to the Washington Administrative Code which would establish penalties for violations of advertising regulations. Advertising in violation of the regulations could result in suspension of a liquor license for a period of up to one year. The Board would have the authority to impose a monetary penalty in lieu of, or in addition to, the suspension for violations of the regulations.

As recommended by the WBNWA Liquor Board Liaison Committee and affirmed by the Association's Executive Committee, WBNWA Executive Director Phil Wayt testified in opposition to the proposal.

Proponent testimony began with Doctor Abraham Bergman, M.D., and spokesman for the 65,000 member Washington State Medical Association.

Dr. Bergman said that he and his Association support the proposed regulations, which, if adopted would curtail what they consider outrageous advertising.

The Medical Association's testimony centered around the potential of children seeing and reacting to liquor advertisements. As a member of the Washington State Medical Association, the proposal was also supported by Dr. Dan Doornick, a former Seattle Seahawk and an internist from Yakima, Washington. He said that alcohol advertising promotes the theory that alcohol consumption means success in business and sports. In response to a question from Board Chairman Paula O'Connor, Dr. Doornick said that the Association's main concern is T.V. advertising.

The Medical Association presentations were followed by support testimony from Congressman Rod Chandler (R-Bellevue) who, in emotional testimony said that "T.V. ads are aimed at kids and that is irresponsible." He also said "it is impossible to ingest any amount of alcohol and be or think responsibly." He further said that he flatly rejects the idea that there is responsible drinking.

The morning session also included a video tape review of ads for Miller Genuine Draft, Miller High Life, Miller's "Think When You Drink", Anheuser-Busch, "Know When To Say When", Bud, Bud Light, Michelob Dry, Bud Dry, O'Doul's, Keystone and Coors Light.

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In her opening remarks to the crowded hearing room at the Liquor Board's Distribution Center on Marginal Way in Seattle, Board Chairman Paula O'Connor said "we (the Board) already regulate advertising and the question before us today is, is it appropriate that we tighten up the current regulations so as to curb alcohol abuse and can such tightening of the regulations accomplish anything?"

During the morning presentations the proposal was supported by Dr. Lawrence Wallick who is a researcher and on the staff of the University of California in Berkeley who said "alcohol ads are a key ingredient in a recipe for disaster." He reviewed his recently completed survey on children and advertising.

The Board also heard support from Robert Sheere, a consultant on alcohol problems for the Washington State Medical Association and Washington's Council On Alcohol Problems.

Also supporting the proposal were Dr. Jim Ferrel, Director of Adolescent Medicine at the University of Washington School of Medicine and Greg Miller, legal counsel to the Medical Association. Additional proponent testimony was taken from Pete Youngers, Jay West from New Beginnings, an alcohol treatment facility for adolescents, Cathy Boudreau from the Washington State Council on Alcoholism and Paul Dziedzic from the Governor's Office on Problems of Substance Abuse.

Opposition testimony throughout the day was presented by Cameron DeVore representing the Washington State Association of Broadcasters, the Pacific Northwest Newspaper Association and the National Association of Broadcasters. Mr. DeVore's testimony centered around the constitutional problems created, as the proposal would restrict guaranteed First Amendment rights to free speech. He emphasized to the Board that, if tested, the proposed regulation would not pass muster under the First Amendment. Jerry Sheean representing the 5900 member American Civil Liberties Union in Washington also emphasized the constitutional questions raised by the proposed regulation. Steve Burroughs, Vice President of Consumer Affairs and Education for Anheuser-Busch who also spoke for Coors and Miller, emphasized that the regulations are not needed and would not do what the Medical Association wants them to do. He said that beer industry ads target a "legal" audience and advertising does not cause alcohol abuse. Additional opposition testimony from broadcasters and advertising was presented by Hal Shoup, Executive Vice President of the American Association of Advertising Agencies, and Dick Wiley from The American Advertising Federation and The National Association of Advertisers. Additionally, Bob English, President of the Seattle Advertising Federation, testified in opposition to the proposal.

Pat Scott, Vice President of KOMO T.V. in Seattle and chairman of the Washington Association of Broadcasters' Alcohol Task Force, spoke of the Task Force efforts and plan to reduce underage abuse of alcohol products.

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Further opposition testimony was presented by:

Terrell G. Williams	Ph.D. and Professor of Marketing Western Washington University
Terry Mizek	Coors Brewing Company
Phil Wayt	Washington Beer and Wine Wholesalers Assn
Bernie Blair	Washington Association of Broadcasters
Gene Ford	Citizens for Moderate Drinking
Brenda Babcock	G. Heileman Brewery
Jim Halstrom	Seagram Beverage Company
Simon Siegl	Washington Wine Institute
Paul Shipman	Redhook Ale Brewery

One of the final witnesses of the day was Ken Fagen, a twenty-four year old, who said he had just heard about the hearing by chance. Mr. Fagen told the Board that young people are underestimated. He said that, "Young people know what is right and wrong and you need to give us more credit for making responsible decisions. For example, we know that beer ads aren't targeted at us."

The Board did not take final action on the proposal at the hearing and announced that a vote would be taken at a Board public hearing in early January.

## FAX AVAILABLE AT LIQUOR BOARD

Recently, Gary Gilbert, Chief of Enforcement at the Washington State Liquor Control Board, wrote to WBWWA announcing that the Board now has a FAX machine on the Board's 5th floor offices in Olympia which is available to FAX price postings, distributor appointments, label approval requests or other information to the Liquor Board.

The FAX number is (206) 753-2710.

In his letter to Phil Wayt, Gary wrote, "As you are aware, price postings do have very specific deadlines. We will still be holding to those deadlines. Material faxed has the date and time received on the document generated. We will be holding to those dates and times as the time received by the Board." He went on to say that the Board will still accept postings through regular U.S. Mail and local express private mail services.

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